

REMARKS

Claims 7-11 and 43-45 remain pending in the preset application. Claim 46 has been cancelled. Claim 7 has been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

CLAIMS 43-45

Applicants respectfully traverse the withdrawal of Claims 43-45. Applicants believe that these claims read on the embodiment of Figures 9-12, the elected species. Below is a breakdown of Claim 43 in relation to Figures 9-12.

A double pipe structure in which an inner pipe for circulating fluid of high pressure is disposed in an outer pipe for circulating fluid of low pressure and the inner and the outer pipe are formed differently from each other and are joined to the joint member at respective end portions, wherein

Inner pipe 31 - Figure 9

Outer pipe 21 - Figure 9

Joint member 11 - Figure 9

the inner and the outer pipe are joined to the joint member by plastically deforming means

Plastically deforming means 13a and adjacent 12a - Figure 9

the joint member includes a cylindrical male portion or a cylindrical female portion formed at an end of the joint member and connected to the outer pipe, an insertion hole, into which the inner pipe is inserted, is formed step-like toward the other end of the joint member inside the joint member, and a port for refrigerant of low pressure and a port for refrigerant of high pressure are connected to another pipe,

Cylindrical male portion 12 - Figure 9

Insertion hole 13 - Figure 9

Ports 15, 16 - Figures 9 and 12

This paragraph defines a male or a female cylindrical portion. Since Figures 9-12 define a male portion this claim limitation is met because of the term "or".

the inner pipe is arranged so as to protrude from an end portion of the outer pipe, inserted into the insertion hole through the cylindrical male portion or the cylindrical female portion, and joined to the step-like insertion hole at the other end of the joint member by means of drawing for expanding an end portion or by means of bead pressure-contact machining, and

Inner pipe 31 extends from outer pipe 21 - Figure 9

Inserted through the cylindrical male portion 12 - Figure 9

Again, this paragraph uses the term "or" and the claim limitation is met if either of the two conditions separated by the "or" are met.

the outer pipe is joined to the cylindrical male portion formed at the end of the joint member by means of drawing for contracting an end of the pipe or the cylindrical female portion is joined to the outer pipe by means of drawing for contracting an end of the cylindrical female portion.

Outer pipe is joined by contracting an end of the pipe at 12a - Figure 9

Again, this paragraph uses the term "or" and the claim limitation is met if either of the two conditions separated by the "or" are met.

The language used in the claims, in particular the term "or" makes Claim 43 generic to more than one species but being generic to more than one species means that both species individually read on the generic claim.

Thus, Applicants believe Claim 43, as well as Claims 44 and 45, read on the elected species of Figures 9-12 and that Applicants are entitled to examination of these claims on their merits prior to a Final Office Action being issued. Applicants respectfully request withdrawal of the finality of the February 26, 2008 Office Action. Claim 46 has been cancelled.

REJECTION UNDER 35 U.S.C. § 112

Claims 7, 8, 10 and 11 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 7, 8, 10 and 11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection. The claim language reads “two or more of the end portions”. As noted by the Examiner, the elected species discloses two end portions and two end portions meet the limitation of “two or more”. Even though Applicants believe this claim limitation has been met, Applicants have amended Claim 7 to more clearly define this feature. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102 / § 103

Claims 7, 8 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Basham (U.S. Pat. No. 3,980,112). Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Basham in view of Inaba (U.S. Pat. No. 4,732,414). Applicants respectfully traverse this rejection. Claim 7 has been amended to define that the end

portion of the inner pipe extending from the joint member is engaged with an insertion hole defined by the joint member by means of expanding the inner pipe at a side of the joint member. As disclosed in Basham, the end portion of the inner pipe 36, 78A does not extend from the joint member with an insertion hole defined by the joint member by means of expanding the inner pipe at a side of the joint member as is now defined in amended Claim 7. As disclosed in Figure 4, inner pipe 36 is expanded over joint member 57 and is not engaged with an insertion hole.

Thus, Applicants believe Claim 7, as amended, patentably distinguish over the art of record. Likewise, Claims 8-11, which ultimately depend from Claim 7, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

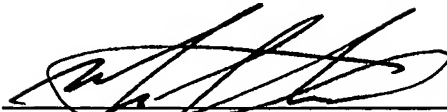
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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